

January 16, 2009

Jeremy C. Karparkin
Jeremy.Karparkin@aporter.com

202.942.5564
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

VIA E-MAIL AND U.S. MAIL

National Freedom of Information Officer
FOIA and Privacy Branch (28827)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: Freedom of Information Request -- EPA Documents Relating to
Rodenticides

Dear Sir/Madam:

This is a request under the Freedom of Information Act for non-confidential copies of materials prepared or received by the U.S. Environmental Protection Agency ("EPA" or "Agency") staff, consultants and/or contractors pertinent to regulation of rodenticides from 1998 to the present. This request should be interpreted to include, but not be limited to:

- 1) Data Evaluation Records and other evaluation records and reports covering efficacy studies and efficacy reports for rodenticides, bait stations for rodents, and traps for rodents;
- 2) Records and reports covering the relative efficacy of rodenticides, bait stations for rodents, and traps for rodents;
- 3) Internal guidance to the staff of the EPA Office of Pesticide Programs ("OPP") concerning the review of efficacy studies for rodenticides, bait stations for rodents and traps for rodents;
- 4) Records and reports covering resistance of rodents to rodenticides, individually or collectively;
- 5) Incident reports, records, reports, and evaluations or assessments of incidents or incident reports involving the impact of rodenticides on non-target organisms;
- 6) All reports and records from the Environmental Incident Inventory System concerning the impact of rodenticides on non-target organisms;

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- 7) Data Evaluation Records and other evaluation or assessments records or reports addressing secondary poisoning studies involving rodenticides, including pen, semi-field and field studies;
- 8) Adverse effects reports and assessments of adverse effects reports concerning incidents involving the impact of rodenticides on children;
- 9) Adverse effects reports and assessments of adverse effects reports concerning incidents involving the impact of rodenticides on non-target organisms;
- 10) All submissions, requests, evaluations, assessments, recommendations and decision documents concerning Section 18 emergency exemption actions involving rodenticide products under the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136, *et. seq.*;
- 11) All submissions, requests, evaluations, assessments, recommendations and decision documents concerning Section 24(c) special local needs involving rodenticide products under FIFRA;
- 12) All documents concerning Endangered Species Act assessments related to rodenticides;
- 13) All documents concerning interagency deliberations between EPA and the Department of Health and Human Services, the Centers for Disease Control, the National Park Service, the U.S. Department of Agriculture, the U.S. Department of the Interior, the U.S. Fish and Wildlife Service or the Department of Housing and Urban Development related to rodenticide matters;
- 14) All documents relating to assessments of the risks and/or benefits of rodenticides;
- 15) All documents relating to practices concerning the use of rodenticides by Agency personnel; and
- 16) All assessments of or communications concerning the U.S. Environmental Protection Agency's Risk Mitigation Decision for Ten Rodenticides, 73 Fed. Reg. 31868 (June 4, 2008), as well as alternatives considered.

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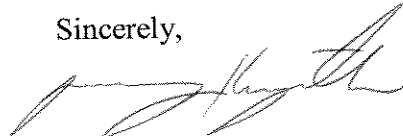
National Freedom of Information Officer
January 16, 2009
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I do not seek copies of any confidential trade secret materials; however, if you determine that any records responsive to this request are exempt from disclosure, please inform me immediately of the basis for this determination and the means of administrative appeal, and also please provide me with any reasonably-severable or redacted portions of such documents. Additionally, if you withhold documents for any reason, please provide an itemized list of the withheld documents and the reasons articulated for withholding such documents, including the specific FOIA exemption you believe provides a basis for withholding such documents.

To expedite this request, I authorize you to undertake and to charge me for duplication expenses not to exceed \$200. Please contact me as soon as possible if duplicating costs will exceed \$200. If the scope of this request is such that you expect unreasonable delay in processing it, please contact me immediately to reach an agreement upon a schedule for responding in installments.

Thank you in advance for your assistance. Although a written reply is requested and expected, I can be reached by telephone at 202-942-5564 or via email at Jeremy.Karpatkin@aporter.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Karpatkin', with a stylized flourish at the end.

Jeremy Karpatkin

September 7, 2011

VIA E-MAIL AND U.S. MAIL

National Freedom of Information Officer
FOIA and Privacy Branch (28827)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: **Freedom of Information Request -- EPA Documents Relating to
Rodenticide Incident Reports for Pets and Children**

Dear Sir/Madam:

This is a request under the Freedom of Information Act for non-confidential copies of materials prepared or received by the U.S. Environmental Protection Agency ("EPA" or "Agency") staff, consultants and/or contractors pertinent to regulation of rodenticides from January 2001 to the present. Specifically, I am requesting:

- Individual incident reports involving children and pets in the Incident Data System (Clipper system) concerning products containing the following active ingredients: brodifacoum, bromadiolone, bromethalin, chlorophacinone, cholecalciferol, difenacoum, difethialone, diphacinone (and its sodium salt), warfarin (and its sodium salt) and zinc phosphide.

I do not seek copies of any confidential trade secret materials; however, if you determine that any records responsive to this request are exempt from disclosure, please inform me immediately of the basis for this determination and the means of administrative appeal, and also please provide me with any reasonably-severable or redacted portions of such documents. Additionally, if you withhold documents for any reason, please provide an itemized list of the withheld documents and the reasons articulated for withholding such documents, including the specific FOIA exemption you believe provides a basis for withholding such documents.

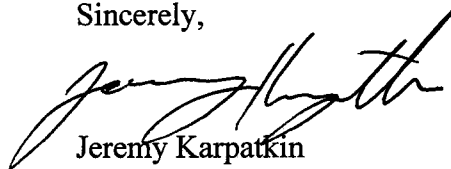
To expedite this request, I authorize you to undertake and to charge me for duplication expenses not to exceed \$300. Please contact me as soon as possible if duplicating costs will exceed \$300. If the scope of this request is such that you expect unreasonable delay in processing it, please contact me immediately to reach an agreement upon a schedule for responding in installments.

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National Freedom of Information Officer
September 7, 2011
Page 2

Thank you in advance for your assistance. Although a written reply is requested and expected, I can be reached by telephone at 202-942-5564 or via email at Jeremy.Karpatkin@aporter.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Karpatkin", written in a cursive style.

Jeremy Karpatkin

September 7, 2011

VIA E-MAIL AND U.S. MAIL

National Freedom of Information Officer
FOIA and Privacy Branch (28827)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: **Freedom of Information Request -- EPA Documents Relating to
Rodenticides**

Dear Sir/Madam:

This is a request under the Freedom of Information Act for non-confidential copies of materials prepared or received by the U.S. Environmental Protection Agency ("EPA" or "Agency") staff, consultants and/or contractors pertinent to regulation of rodenticides. Specifically, I am requesting:

- 1) An aggregate incident summary report for products containing the active ingredients brodifacoum, bromadiolone, bromethalin, chlorophacinone, cholecalciferol, difenacoum, difethialone, diphacinone (and its sodium salt), warfarin (and its sodium salt) and zinc phosphide; from January 2009 to the present;
- 2) A summary report of individual incident reports in the incident data system (sometimes referred to as "clipper") concerning products containing the active ingredients brodifacoum, bromadiolone, bromethalin, chlorophacinone, cholecalciferol, difenacoum, difethialone, diphacinone (and its sodium salt), warfarin (and its sodium salt) and zinc phosphide brodifacoum from January 2009 to the present; and
- 3) Individual incident reports involving wildlife in the Incident Data System (Clipper system) and in the Environmental Incident Inventory System ("EIIS") concerning products containing brodifacoum from January 2009 to the present.

I do not seek copies of any confidential trade secret materials; however, if you determine that any records responsive to this request are exempt from disclosure, please inform me immediately of the basis for this determination and the means of administrative appeal, and also please provide me with any reasonably-severable or redacted portions of such documents. Additionally, if you withhold documents for any reason, please provide an itemized list of the withheld documents and the reasons

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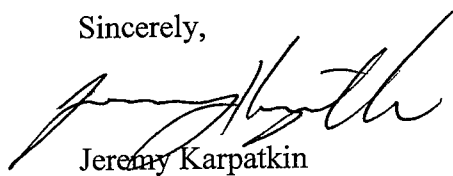
National Freedom of Information Officer
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articulated for withholding such documents, including the specific FOIA exemption you believe provides a basis for withholding such documents.

To expedite this request, I authorize you to undertake and to charge me for duplication expenses not to exceed \$300. Please contact me as soon as possible if duplicating costs will exceed \$300. If the scope of this request is such that you expect unreasonable delay in processing it, please contact me immediately to reach an agreement upon a schedule for responding in installments.

Thank you in advance for your assistance. Although a written reply is requested and expected, I can be reached by telephone at 202-942-5564 or via email at Jeremy.Karpatkin@aporter.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Karpatkin", written over a horizontal line.

Jeremy Karpatkin

October 31, 2011

VIA E-MAIL AND U.S. MAIL

National Freedom of Information Officer
FOIA and Privacy Branch (28827)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: **Freedom of Information Request -- EPA Documents Relating to
Rodenticides**

Dear Sir/Madam:

This is a request under the Freedom of Information Act for non-confidential copies of materials prepared or received by the U.S. Environmental Protection Agency ("EPA" or "Agency") staff, consultants and/or contractors pertinent to regulation of rodenticides. Specifically, I am requesting:

- 1) All individual incident reports in the incident data system (sometimes referred to as "clipper") for wildlife for products containing the active ingredients bromadiolone, bromethalin, chlorophacinone, cholecalciferol, difenacoum, difethialone, diphacinone (and its sodium salt), warfarin (and its sodium salt) and zinc phosphide; from January 2009 to the present; and
- 2) An aggregate incident summary report of individual incident reports in the incident data system (sometimes referred to as "clipper") for incidents related to domestic pets for products containing the active ingredients brodifacoum, bromadiolone, bromethalin, chlorophacinone, cholecalciferol, difenacoum, difethialone, diphacinone (and its sodium salt), warfarin (and its sodium salt) and zinc phosphide from January 2001 to the present.

I do not seek copies of any confidential trade secret materials; however, if you determine that any records responsive to this request are exempt from disclosure, please inform me immediately of the basis for this determination and the means of administrative appeal, and also please provide me with any reasonably-severable or redacted portions of such documents. Additionally, if you withhold documents for any reason, please provide an itemized list of the withheld documents and the reasons articulated for withholding such documents, including the specific FOIA exemption you believe provides a basis for withholding such documents.

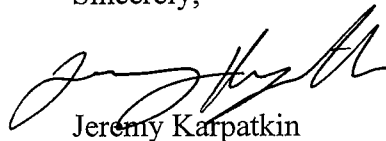
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National Freedom of Information Officer
October 31, 2011
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To expedite this request, I authorize you to undertake and to charge me for duplication expenses not to exceed \$300. Please contact me as soon as possible if duplicating costs will exceed \$300. If the scope of this request is such that you expect unreasonable delay in processing it, please contact me immediately to reach an agreement upon a schedule for responding in installments.

Thank you in advance for your assistance. Although a written reply is requested and expected, I can be reached by telephone at 202-942-5564 or via email at Jeremy.Karpatkin@aporter.com.

Sincerely,



Jeremy Karpatkin

March 12, 2012

VIA E-MAIL [HQ.FOIA@EPA.GOV]

National Freedom of Information Officer
FOIA and Privacy Branch (2882T)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

**Re: Freedom of Information Request -- EPA Documents Relating to
Rodenticides**

Dear Sir/Madam:

This is a request under the Freedom of Information Act for non-confidential copies of materials prepared or received by the U.S. Environmental Protection Agency ("EPA" or "Agency") staff, consultants and/or contractors pertinent to regulation of rodenticides.

Specifically, I am requesting any and all Data Evaluation Records for any of the studies or references listed on pages A-3 through A -12 of Appendix A of the document titled "Risks of Non-Compliant Rodenticides to Nontarget Wildlife," Background Paper for Science Advisory Panel on Notice of Intent to Cancel Non-RMD complaint Rodenticide Products, November 1, 2011, United States Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, Office of Pesticides Programs, Environmental fate and Effect Division. (For ease of your review, I am attaching this document, which is also available at www.regulations.gov at docket # EPA-HQ-OPP-0718-0007).

I do not seek copies of any confidential trade secret materials; however, if you determine that any records responsive to this request are exempt from disclosure, please inform me immediately of the basis for this determination and the means of administrative appeal, and also please provide me with any reasonably-severable or redacted portions of such documents. Additionally, if you withhold documents for any reason, please provide an itemized list of the withheld documents and the reasons articulated for withholding such documents, including the specific FOIA exemption you believe provides a basis for withholding such documents.

To expedite this request, I authorize you to undertake and to charge me for duplication expenses not to exceed \$300. Please contact me as soon as possible if

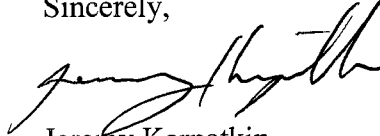
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National Freedom of Information Officer
March 12, 2012
Page 2

duplicating costs will exceed \$300. If the scope of this request is such that you expect unreasonable delay in processing it, please contact me immediately to reach an agreement upon a schedule for responding in installments.

Thank you in advance for your assistance. Although a written reply is requested and expected, I can be reached by telephone at 202-942-5564 or via email at Jeremy.Karpatkin@aporter.com.

Sincerely,



Jeremy Karpatkin

March 14, 2012

VIA E-MAIL [HQ.FOIA@EPA.GOV]

National Freedom of Information Officer
FOIA and Privacy Branch (28827)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

**Re: Freedom of Information Request -- EPA Documents Relating to
Rodenticides**

Dear Sir/Madam:

This is a request under the Freedom of Information Act for non-confidential copies of materials prepared or received by the U.S. Environmental Protection Agency ("EPA" or "Agency") staff, consultants and/or contractors pertinent to regulation of rodenticides.

Specifically, I am requesting wildlife incident reports for the active ingredients brodifacoum, bromadiolone, chlorophacinone, difethialone, warfarin, diphacinone and zinc phosphide from the attached list. This list provides both the incident report number and the date of the incident.

I do not seek copies of any confidential trade secret materials; however, if you determine that any records responsive to this request are exempt from disclosure, please inform me immediately of the basis for this determination and the means of administrative appeal, and also please provide me with any reasonably-severable or redacted portions of such documents. Additionally, if you withhold documents for any reason, please provide an itemized list of the withheld documents and the reasons articulated for withholding such documents, including the specific FOIA exemption you believe provides a basis for withholding such documents.

To expedite this request, I authorize you to undertake and to charge me for duplication expenses not to exceed \$300. Please contact me as soon as possible if

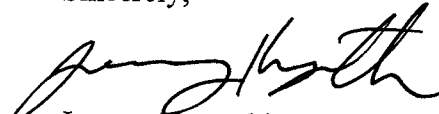
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National Freedom of Information Officer
March 14, 2012
Page 2

duplicating costs will exceed \$300. If the scope of this request is such that you expect unreasonable delay in processing it, please contact me immediately to reach an agreement upon a schedule for responding in installments.

Thank you in advance for your assistance. Although a written reply is requested and expected, I can be reached by telephone at 202-942-5564 or via email at Jeremy.Karpatkin@aporter.com.

Sincerely,



Jeremy Karpatkin

Attachment

<u>A.I.</u> <u>Incident Report Number</u>	<u>Year of Incident</u>
<u>BRODIFACOU</u>	
I007821-003	1997
I011650-001	2000
I012055-001	2001
I012057-001	2001
I012398-006	2001
I012429-001	2001
I01310-010	1997
I013798-039	1996
I013798-043	1997
I013798-052	1997
I015466-001	2004
I022978-001 through 009	2010
I022968-001	2011
R000-02-006 through R000-02-049	1998-2000
<u>BROMADIOLONE</u>	
022157-00002	2009
<u>CHLOROPHACINONE</u>	
021455-00006	2009
020607-00001	2009
021028-00001	2009
020996-00001	2009
R000-02-003	1995
R000-02-005	1997
I020607-001	2009
I020996-001	2009
<u>DIFETHIALONE</u>	
I020713-002	2009
020701-00001	2009
020713-00002	2009
<u>WARFARIN</u>	
CEE-TV#61108	1998
I006306-016	1986
I011130-001	2000
R000-02-054	1981
<u>DIPHACINONE</u>	
R000-02-001	1994
B00640-001	1984
I001518-001	2000
<u>ZINC PHOSPHIDE</u>	
021455-00006	2009
020996-00001	2009
021455-00011	2009
021479-00002	2009
021479-00001	2009
021455-00010	2009
020607-00001	2009
021455-00007	2009

May 1, 2012

VIA E-MAIL [HQ.FOIA@EPA.GOV]

National Freedom of Information Officer
FOIA and Privacy Branch (28827)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: **Freedom of Information Request -- EPA Documents Relating to
Rodenticides**

Dear Sir/Madam:

This is a request under the Freedom of Information Act for non-confidential copies of materials prepared or received by the U.S. Environmental Protection Agency ("EPA" or "Agency") staff, consultants and/or contractors pertinent to regulation of rodenticides.

Specifically, I am requesting documents related to meetings and/or correspondence between or among EPA and other parties -- including other federal agencies, state and local governmental bodies, private industry groups, citizens' groups and any other public or private stakeholders -- relating to the regulation of rodenticides from January 1, 2008 to the present. This request includes meeting minutes, meeting summaries, correspondence related to meetings and documents prepared for or presented at such meetings. The scope of the documents covered by this request includes, but is not limited to, correspondence and other documents related to the Risk Mitigation Decision for Ten Rodenticides ("RMD") issued by EPA in 2008 (including subsequent changes made to the RMD), and the draft Notice of Intent to Cancel and Notice of Denial of Registrations for Certain Rodenticide Bait Products ("Draft Notice") issued November 2, 2011. This request specifically seeks, but is not limited to, any correspondence between EPA and the U. S. Department of Agriculture and between EPA and the U.S. Department of Health and Human Services related to the RMD (and EPA's modifications to the RMD) and the Draft Notice, as well as any materials prepared for or presented at meetings among or between these agencies regarding the RMD or the Draft Notice as well as meeting minutes or other notes or summaries of such meetings.

I do not seek copies of any confidential business information or trade secret materials; however, if you determine that any records responsive to this request are

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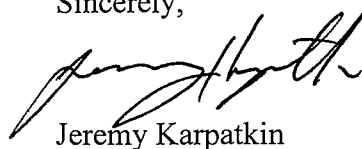
National Freedom of Information Officer
May 1, 2012
Page 2

exempt from disclosure, please inform me immediately of the basis for this determination and the means of administrative appeal, and also please provide me with any reasonably-severable or redacted portions of such documents. Additionally, if you withhold documents for any reason, please provide an itemized list of the withheld documents and the reasons articulated for withholding such documents, including the specific FOIA exemption you believe provides a basis for withholding such documents.

To expedite this request, I authorize you to undertake and to charge me for duplication expenses not to exceed \$300. Please contact me as soon as possible if duplicating costs will exceed \$300. If the scope of this request is such that you expect unreasonable delay in processing it, please contact me immediately to reach an agreement upon a schedule for responding in installments.

Thank you in advance for your assistance. Although a written reply is requested and expected, I can be reached by telephone at 202-942-5564 or via email at Jeremy.Karpatkin@aporter.com.

Sincerely,



Jeremy Karpatkin

October 3, 2012

VIA E-MAIL [HQ.FOIA@EPA.GOV] AND U.S. MAIL

National Freedom of Information Officer
FOIA and Privacy Branch (28827)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: **Freedom of Information Request -- EPA Documents Relating to
Rodenticide Incident Reports for Pets and Children**

Dear Sir/Madam:

This is a request under the Freedom of Information Act for non-confidential copies of materials prepared or received by the U.S. Environmental Protection Agency ("EPA" or "Agency") staff, consultants and/or contractors pertinent to regulation of rodenticides from September 2011 to the present. Specifically, I am requesting:

- 1) Individual incident reports involving children and pets submitted under 6(a)(2) adverse reporting system, or otherwise, and contained in the Incident Data System (Clipper system) or elsewhere concerning products containing the following active ingredients: brodifacoum, bromadiolone, bromethalin, chlorophacinone, cholecalciferol, difenacoum, difethialone, diphacinone (and its sodium salt), warfarin (and its sodium salt) and zinc phosphide.
- 2) Individual incident reports involving non-target organisms submitted under 6(a)(2) adverse reporting system, or otherwise, and contained in the Incident Data System (Clipper system), the Environmental Incident Inventory System ("EIIS") or elsewhere concerning products containing the following active ingredients: brodifacoum, bromadiolone, bromethalin, chlorophacinone, cholecalciferol, difenacoum, difethialone, diphacinone (and its sodium salt), warfarin (and its sodium salt) and zinc phosphide.

This request supplements and updates my requests from September 7, 2011 (designated as HQ-FOI-02215-11 and HQ-FOI-02216-11). If you determine that providing a complete response to this request will require more than 60 days due to the total number of responsive documents, please provide the documents on a rolling basis, so that I can receive documents as they are ready, without waiting for all of the

National Freedom of Information Officer
October 3, 2012
Page 2

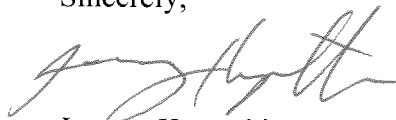
documents to be completed. Also, in order to expedite your processing of this request, please provide us first with documents responsive to request number (1), above, related to the active ingredients brodifacoum and bromethalin, and then provide us with documents responsive to request number (2), above, related to the active ingredients brodifacoum and bromethalin.

I do not seek copies of any confidential trade secret materials; however, if you determine that any records responsive to this request are exempt from disclosure, please inform me immediately of the basis for this determination and the means of administrative appeal, and also please provide me with any reasonably-severable or redacted portions of such documents. Additionally, if you withhold documents for any reason, please provide an itemized list of the withheld documents and the reasons articulated for withholding such documents, including the specific FOIA exemption you believe provides a basis for withholding such documents.

To expedite this request, I authorize you to undertake and to charge me for duplication expenses not to exceed \$500. Please contact me as soon as possible if duplicating costs will exceed \$500. If the scope of this request is such that you expect unreasonable delay in processing it, please contact me immediately to reach an agreement upon a schedule for responding in installments.

Thank you in advance for your assistance. Although a written reply is requested and expected, I can be reached by telephone at 202-942-5564 or via email at Jeremy.Karpatkin@aporter.com.

Sincerely,



Jeremy Karpatkin

January 4, 2013

VIA E-MAIL [HQ.FOIA@EPA.GOV]

National Freedom of Information Officer
FOIA and Privacy Branch (28827)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: **Freedom of Information Request -- EPA Documents Relating to
Rodenticides**

Dear Sir/Madam:

This is a request under the Freedom of Information Act for non-confidential copies of materials prepared or received by the U.S. Environmental Protection Agency ("EPA" or "Agency") staff, consultants and/or contractors pertinent to regulation of rodenticides. This request is intended to supplement prior FOIA requests and to request additional documents not related to these prior requests.

Specifically, I am requesting:

1) Documents related to meetings and/or correspondence between or among EPA and other parties -- including other federal agencies, state and local governmental bodies, other national or tribal governments, private industry groups, citizens' groups and any other public or private stakeholders -- relating to the regulation of rodenticides from January 1, 1998 to the present. This request includes meeting minutes, meeting summaries, correspondence related to meetings and documents prepared for or presented at such meetings. The scope of the documents covered by this request includes, but is not limited to, correspondence and other documents related to the draft Risk Mitigation Decision for Ten Rodenticides ("RMD") issued by EPA in 2007, the final RMD issued in 2008, (including subsequent changes made to the RMD), and the draft Notice of Intent to Cancel and Notice of Denial of Registrations for Certain Rodenticide Bait Products ("Draft Notice") issued November 2, 2011. (This request supplements FOIA request 01233-12, which requested this same information for the period January 1, 2008 to May 1, 2012.)

National Freedom of Information Officer

January 4, 2013

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2) Data Evaluation Records and other evaluation records and reports covering efficacy studies and efficacy reports for rodenticides, bait stations for rodents, and traps for rodents, from 2009 to the present. The scope of this request includes any studies or analyses assessing the effectiveness of bait stations in killing rodents, the effectiveness of different bait types in killing rodents and the effectiveness of different kinds of active ingredients in killing rodents. (This request supplements FOIA request 0547-09, item 1, sent January 16, 2009).

3) Records and reports addressing the comparative efficacy of different types of rodenticides (e.g., traps v. baits), different active ingredients (e.g., first generation, anti-coagulants, second generation anti-coagulants, and non-anti coagulants), different bait forms (e.g., blocks v. pellets), and the use or non-use of bait stations, in killing commensal rodents, from 2009 to the present. (This request supplements FOIA request 0547-09, item 2, sent January 16, 2009).

4) Internal guidance to the staff of the EPA Office of Pesticide Programs ("OPP") concerning the review of efficacy studies for rodenticides, bait stations for rodents and traps for rodents, from 2009 to the present. (This request supplements FOIA request 0547-09, item 3, sent January 16, 2009).

5) Records and reports covering resistance of rodents to rodenticides, individually or collectively, from 2009 to the present. (This request supplements FOIA request 0547-09, item 4, sent January 16, 2009.)

6) Data Evaluation Records and other evaluation or assessments records or reports addressing secondary poisoning studies involving rodenticides, including pen, semi-field and field studies, from 2009 to the present. (This request supplements FOIA request 0547-09, item 7, sent January 16, 2009.)

7) All submissions, requests, evaluations, assessments, recommendations and decision documents concerning Section 18 emergency exemption actions involving rodenticide products under the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136, *et. seq.*, from 2009 to the present. (This request supplements FOIA request 0547-09, item 10, sent January 16, 2009.)

8) All submissions, requests, evaluations, assessments, recommendations and decision documents concerning Section 24(c) special local needs involving rodenticide

ARNOLD & PORTER LLP

National Freedom of Information Officer
January 4, 2013
Page 3

products under FIFRA, from 2009 to the present. (This request supplements FOIA request 0547-09, item 11, sent January 16, 2009.)

9) All documents concerning Endangered Species Act assessments related to rodenticides, from 2009 to the present. (This request supplements FOIA request 0547-09, item 12, sent January 16, 2009.)

10) All documents relating to assessments of the risks and/or benefits of rodenticides, from 2009 to the present. (This request supplements FOIA request 0547-09, item 14, sent January 16, 2009.)

11) All EPA assessments of or communications concerning the U.S. Environmental Protection Agency's Risk Mitigation Decision for Ten Rodenticides, 73 Fed. Reg. 31868 (June 4, 2008), as well as alternatives considered; and all EPA assessments of or communications concerning the U.S. Environmental Protection Agency's Draft Notice of Intent to Cancel and Notice of Denial of Registrations for Certain Rodenticide Bait Products ("Draft Notice") issued November 2, 2011; from 1998 to the present. (This request supplements FOIA request 0547-09, item 16, sent January 16, 2009).

12) All EPA emails to or from the EPA email account "Richard Windsor" pertaining to rodenticides or the use or regulation of rodenticides, from 2009 to the present.

If it would expedite the processing of these requests, it is acceptable to not provide documents that already appear in a public docket, provided that you indicate the docket number that contains documents pertinent to each specific enumerated request above.

I do not seek copies of any confidential trade secret materials; however, if you determine that any records responsive to this request are exempt from disclosure, please inform me immediately of the basis for this determination and the means of administrative appeal, and also please provide me with any reasonably-severable or redacted portions of such documents. Additionally, if you withhold documents for any reason, please provide an itemized list of the withheld documents and the reasons articulated for withholding such documents, including the specific FOIA exemption you believe provides a basis for withholding such documents.

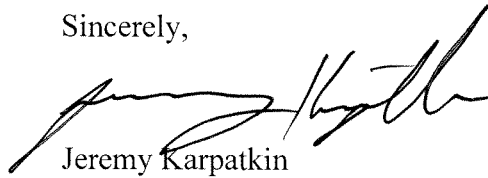
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To expedite this request, I authorize you to undertake and to charge me for duplication expenses not to exceed \$1000. Please contact me as soon as possible if duplicating costs will exceed \$1000. If the scope of this request is such that you expect unreasonable delay in processing it, please contact me immediately to reach an agreement upon a schedule for responding in installments.

Thank you in advance for your assistance. Although a written reply is requested and expected, I can be reached by telephone at 202-942-5564 or via email at Jeremy.Karpatkin@aporter.com.

Sincerely,



Jeremy Karpatkin

February 22, 2013

VIA E-MAIL (HQ.FOIA@EPA.GOV)

National Freedom of Information Officer
FOIA and Privacy Branch (2882T)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Freedom of Information Request

Dear Sir/Madam:

This is a request under the Freedom of Information Act for non-confidential copies of materials prepared or received by the U.S. Environmental Protection Agency ("EPA" or "Agency") staff, consultants and/or contractors pertinent to regulation of rodenticides.

First, I am requesting documents concerning several incidents listed in the EPA Office of Pesticide Programs' *Compilation of Rodenticide Wildlife Mortality Incidents Reported Between 1971-2012*, dated January 29, 2013 (EPA Docket ID: EPA-HQ-OPP-2013-0049-0009). I request any and all documents concerning or related to the following incidents listed in the tables:

- I003351-033: CA incident from 1995 involving a bobcat
- I006306-005: NY incident from 1994 involving a squirrel
- I006306-007: NY incident from 1994 involving a squirrel
- I006306-008: NY incident from 1994 involving a squirrel
- I006306-009: NY incident from 1991 involving a squirrel
- I023914-001: NY incident from 2012 involving a red-tailed hawk
- I023914-003: NY incident from 2012 involving a red-tailed hawk
- I023914-004: NY incident from 2012 involving a red-tailed hawk

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- I024152-008: CA incident from 2010 involving a coyote
- I023914-002: NY incident from 2012 involving a red-tailed hawk
- I024773-001: NY incident from 2012 involving two gray squirrels
- I006306-002: NY incident from 1992 involving three raccoons, 1 red fox, and 1 starling
- I006306-003: NY incident from 1992 involving a chipmunk
- I023893-004: CA incident from 2001 involving a kit fox
- I024152-001: CA incident from 2001 involving a red-tailed hawk
- I024152-003: CA incident from 2007 involving a San Joaquin kit fox
- I024152-004: CA incident from 2001 involving a coyote
- I024152-009: CA incident from 2011 involving a pig
- I024154-012: CA incident from 2011 involving a great horned owl
- I006306-004: NY incident from 1974 involving a vole
- I024152-009: CA incident from 2010 involving a pig

Second, I am requesting Data Evaluation Records for the following documents cited in EPA's January 29, 2013 *Statement of Reasons and Factual Basis for Notice Intent to Cancel Registrations of, and Notice of Denial of Applications for, Certain Rodenticide Bait Products* (EPA Docket ID: EPA-HQ-OPP-2013-0049-003):

1. IRI 2010. Mouse vs. rat item sales analysis. Symphony IRI Group, latest 52 weeks ending 12/26/2010. Submitted by Steve Levy (Bell Laboratories) to Steven Bradbury (Director, Office of Pesticide Programs) during a meeting on 08/14/2012.
2. Belleville, M. 1986. Toxi-kinetics and metabolism: 1. study performed with the molecule marked ¹⁴C; 2. study performed with the cold molecule. Unpubl. report submitted to EPA by LiphaTech, Inc., Milwaukee, WI. 133 pp. MRID# 42065010 Master Record Identification Number (MRID) - A unique cataloging number assigned to an individual pesticide study at the time of its submission to the Agency.

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3. Belleville, M. 1991. Compared hepatic kinetics of brodifacoum and difethialone in the rat, after oral administration of 0.06 mg/kg once weekly for 4 consecutive weeks. Unpubl. Report submitted to EPA by LiphaTech, Inc., Milwaukee, WI. 39 pp. MRID# 42065009
4. Hawkins, D.R., R.R. Brodie, D. Clarke, and C. Brindley. 1991. Determination of the residues and half-life of the rodenticides brodifacoum, bromadiolone, and flocoumafen in the livers of rats during 200 days after a single oral dose of each at a dose level of 0.2 mg/kg. Unpubl. report submitted to EPA by LiphaTech, Inc. Milwaukee, WI. 78 pages.

I do not seek copies of any confidential trade secret materials. I would also like to remind you of two potentially relevant class determinations concerning the disclosure of information related to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA): Class Determination 1-99,¹ concerning the disclosure of information obtained under section 6(a)(2) of FIFRA, and the class determination found at 50 Federal Register 48833 (Nov. 27, 1985)² concerning the disclosure of reviews of pesticide test data.

If you determine that any records responsive to this request are exempt from disclosure, please inform me immediately of the basis for this determination and the means of administrative appeal, and also please provide me with any reasonably-severable or redacted portions of such documents. Additionally, if you withhold documents for any reason, please provide an itemized list of the withheld documents and the reasons articulated for withholding such documents, including the specific FOIA exemption you believe provides a basis for withholding such documents.

To expedite this request, I authorize you to undertake and to charge me for duplication expenses not to exceed \$500. Please contact me as soon as possible if duplicating costs will exceed \$500. You may also send the documents electronically to Katherine.Ghilain@aporter.com. If the scope of this request is such that you expect unreasonable delay in processing it, please contact me immediately to reach an agreement upon a schedule for responding in installments.

¹ This determination is available at <http://www.epa.gov/ogc/documents/1-99.pdf>.

² This determination is available at <http://www.epa.gov/opprd001/registrationkit/fr50.htm>.

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Thank you in advance for your assistance. Although a written reply is requested and expected, I can be reached by telephone at 212-715-1785 or via email at Katherine.Ghilain@aporter.com.

Sincerely,

A handwritten signature in cursive script that reads "Katherine E. Ghilain /ef".

Katherine E. Ghilain